

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

The City of New York v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 04-CV-06054

County of Albany v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0425

County of Allegany v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0236

County of Broome v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00456

County of Cattaraugus v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0256

County of Cayuga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0423

County of Chautauqua v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-0214

County of Chenango v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0354

County of Fulton v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0519

County of Genesee v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-00267

County of Greene v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0474

County of Herkimer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00415

County of Jefferson v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0715

County of Madison v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0714

County of Monroe v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-1648

MDL No. 1456
CV-01-12257 PBS
Judge Patti B. Saris

**[PROPOSED] ORDER
MODIFYING JUNE 23, 2005
ORDER**

County of Niagara v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6296

County of Oneida v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0489

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

County of Putnam v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 05-CV-4748

County of Rensselaer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00422

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of St. Lawrence v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0479

County of Saratoga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0478

County of Steuben v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6223

County of Suffolk v. Abbott Laboratories, Inc., et al.
E.D.N.Y. Case No. 03-CV-12257

County of Tompkins v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0397

County of Warren v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0468

County of Washington v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0408

County of Wayne v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6138

County of Westchester v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-6178

County of Yates v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-06172

On June 15, 2005, plaintiffs' counsel served via Verilaw a Consolidated Complaint and Exhibits that was "redacted" to exclude information identified as Highly Confidential pursuant to the stipulated protective order in these MDL proceedings. On that same date, plaintiffs' counsel attempted to file the unredacted Consolidated Complaint and Exhibits with the Clerk of the Court under seal. By Order dated June 23, 2005, I directed the Clerk not to accept the filing under seal until defendants had established, through the submission of affidavits, the bases for the redactions as to each of them. The June 23, 2005 Order provided defendants 10 days in which to submit their affidavits.

In a motion to modify the June 23, 2005 Order, the parties have shown that defendants are unable to comply with the 10-day time period because: (a) each defendant initially did not have a copy of the Consolidated Complaint and Exhibits unredacted as that defendant and (b) several defendants are not subject to the stipulated protective order in these proceedings that would allow them to see an unredacted version of the Consolidated Complaint as to other defendants.

Accordingly, the June 23, 2005 Order is modified as follows:

1. The 10-day period for a defendant to submit an affidavit in support of all or part of the redactions in the Consolidated Complaint and Exhibits as to it shall begin from the date its counsel is provided with a copy of the Consolidated Complaint and Exhibits, unredacted as to such defendant, or 10 days from the filing of this Order, whichever is later;
2. Neither the receipt by a defendant's counsel of such a version of the Consolidated Complaint and Exhibits nor the submission to the Court of a defendant's affidavit

regarding the redactions shall constitute service of process, an appearance by a defendant or shall otherwise affect any jurisdictional or other defense that a defendant may have.

July __, 2005

Hon. Patti B. Saris
United States District Judge